

REMARKS

Claims 1-18 and 21-27 are pending in the present application. By this reply, new claims 22-27 have been added, and claims 19 and 20 have been cancelled because the subject matter thereof has been added to independent claims 7 and 14, respectively, to clarify the invention. These modifications do not add new matter.

Rejection under 35 U.S.C. § 103

Claims 1-11 and 13-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maeda et al. (U.S. Patent No. 6,226,589) and Ohler et al. (U.S. Patent No. 6,424,910). Claims 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Maeda et al. (U.S. Patent No. 6,226,589) and Ohler et al. (U.S. Patent No. 6,424,910) in view of Theimer et al. (U.S. Patent No. 6,240,363). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Regarding independent claim 1, the Examiner alleges on page 3, lines 7-10 of the last Office Action that Maeda et al. discloses transmitting (e.g., by the wireless communication means) the location information request message requesting the location information of the other party's moving object *to a traffic information center* (emphasis added), as recited. Applicant respectfully disagrees because in Maeda et al. including the portion (col. 6, lines 37-38) cited by the Examiner, there is no traffic information center because there is no use of any traffic information. Instead, in Maeda et al., if a level 5 is set for the guidance information, then the route information is generated using a conventional road map database (i.e., traffic information is not used).

Further, the Examiner correctly recognizes that Maeda et al. "fails to disclose receiving from a traffic center, the shortest distance between a location of the apparatus and a location of the other party's moving object determined according to at least traffic information of the other party's moving object and displaying the received shortest distance using the displaying means" and thus relies on Ohler et al. for these deficiencies; see page 3, last 7 lines of the Office Action. The Examiner alleges that it would have been obvious to one skilled in the art to apply Ohler et

al.'s use of traffic information to Maeda et al.'s determination of a route to a mobile object. Applicant respectfully disagrees.

At a closer look, what Ohler et al. teaches is having two users and determining a common meeting place that is convenient for the both users to travel to. To calculate the routes from the locations of the both users to this common meeting place, Ohler et al.'s route calculation application 136 may use traffic information between two fixed locations. In other words, the route calculation application 136 may use traffic information to determine the route information between a user A (or B) to the common meeting place. However, the common meeting place is a fixed location and not a moving object, as required by claim 1. In fact, Ohler et al.'s system as a whole is directed to locating a fixed common location (e.g., a restaurant, a building, etc.) for two users to meet, and all entities (e.g., the common meeting place, user A, and user B) from which any route information may be calculated are fixed. In Ohler et al., since all these entities are at fixed locations, it may be possible to use traffic information in the route determining process. But clearly, this concept is not applicable to Maeda et al.'s system since Maeda et al. involves a plurality of mobile objects.

Furthermore, as mentioned above, Ohler et al.'s use of traffic information is limited to a route determination between a user (fixed) and a fixed common place, whereas in Maeda et al., the route determination is needed between two mobile objects. Thus, the operations and needs of Ohler et al. and Maeda et al. are completely different and such references cannot be combined as suggested by the Examiner.

Moreover, Ohler et al.'s traffic information pertains to a *fixed* location (to the common meeting place). In clearly contrast, Applicant uses the traffic information of a *moving* object. No applied references teach or suggest the use of traffic information of a moving object to determine the shortest distance, as recited.

For at least the above reasons, there is no proper motivation for one skilled in the art to modify Maeda et al. in view of Ohler et al. to render the invention as set forth in independent claim 1 obvious. The same or similar remarks apply to other independent claims 3, 7, 14 and 21 since these claims recite the same or similar features in a varying scope.

In addition or as an alternative, independent claim 3 also recites, *inter alia*, "identifying the shortest distance between a location of the *moving object* having the requesting navigation system and the location of the *other party's moving object* according to *traffic information of the other party's moving object*" (emphasis added). Newly added dependent claims 22-25 recite similar features in a vary scope. That is, as claimed, the shortest distance is identified between locations of two moving objects according to the traffic information of one of the moving objects. This feature is clearly absent from Maeda et al. and Ohler et al, either taken singularly or in combination thereof.

Theimer et al. does not overcome these deficiencies in the Maeda-Ohler combination since Theimer et al. was relied upon to reject only dependent claim 12.

Accordingly, independent claims 1, 3, 7, 14 and 21 and their dependent claims (due to the dependency) are patentable over the applied references, and the rejections are improper and should be withdrawn.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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